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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 52nd MEETING

(FIRST PART)*

Held at the Palais des Nations, Geneva,
on Wednesday, 3rd March 1993, at 7 p.m.

Chairman: Mr. BROTODININGRAT (Indonesia)

later: Mr. FLINTERMAN (Netherlands)

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* The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.52/Add.1.

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The meeting was called to order at 7.20 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued) (E/CN.4/1993/7-E/CN.4/Sub.2/1992/55, E/CN.4/1993/36-40, 41 and Add.1, 42-49, 75-76, 79, 82, 86, 95, 99 and 102; E/CN.4/1993/NGO/6, 8, 12, 16, 23, 26-28, 31 and 38)

1. Ms. MENDIZABAL (Women's International League for Peace and Freedom) said that the inability of the Government of Colombia to guarantee the citizen's supreme right, namely, the right to justice, could in no circumstances justify a policy based on the abhorrence of freedom and the trampling underfoot of rights. Yet in Colombia, freedom and other fundamental rights were denied to wide sectors of society day by day. To the 50 per cent fall in the nation's standard of living caused by the neo-liberal policies imposed on the country must be added the disastrous statistics on human rights violations, which included 1,239 political murders and 1,135 presumed political murders, as well as 420 murders recorded during the campaign of "social cleansing" waged against persons regarded as "dispensable", such as street children, beggars, prostitutes and homosexuals.

2. Opposition political activists, civic, municipal, student, rural and trade-union leaders were also under threat. The Department of Criminal Studies and Judicial Police (DECYPOL) recorded 967 cases of enforced disappearances in 1992, one of which was of particular significance to her organization. Gustavo Salgado Ramírez, a biologist and chemist working with her organization in Bogotá and a member of the Working Group of the project to assist victims of violence financed by Terre des Hommes - Germany and the European Economic Community, had disappeared on 4 November 1992. Over the previous four months, attempts had been made to intimidate him into abandoning his work for the defence of human rights. Concurrently, her organization's Colombia section had been kept under surveillance by State security agents. The day before the disappearance of Gustavo Salgado, two agents of the Departamento Administrativo de Seguridad (DAS) had called at her organization's Bogotá office, and had left a telephone number, asking Mr. Salgado to contact them. The following day, he had failed to appear at the office, and no trace had been found of him since.

3. Her organization believed that the enforced disappearance of Mr. Salgado was the work of State agents. It bore noting that the Colombian Government and the institutions involved had made no response to appeals regarding the case by Amnesty International, her own organization, the Archbishop of Aachen (Germany), and the German Parliament.

4. Murder, torture, arbitrary detention, enforced disappearance and other violations of fundamental rights for political, social, religious, ethnic or other discriminatory reasons were not crimes against individual interests protected by a country's domestic legislation: they were crimes against humanity. Enforced disappearance was not merely a violation of an individual's freedom; it also directly affected his family, professional and

social circle. Such crimes against humanity were even more distressing when they were committed by the very official institutions that were entrusted with protection of the lives and property of Colombian citizens. In its report on human rights in Colombia for 1992, the United States Department of State affirmed that many human rights violations in Colombia were the work of the security forces, army and police, who had also participated in "social cleansing" operations.

5. The Commission must take concrete measures, as a matter of urgency, to ensure compliance by the Colombian Government with its international obligations. Her organization also requested the Colombian Government to turn its attention to General Assembly resolution 47/133 of 18 December 1992, containing the Declaration on the Protection of All Persons from Enforced Disappearance. The Commission should also appoint a special rapporteur to carry out a thorough investigation of human rights violations in Colombia and to report back to it at its next session.

6. Mr. URREIZTIETA (International Union of Young Christian Democrats) said that in the period since the Commission's forty-eighth session, violations of human rights and freedoms in Iraq, and especially of the rights of children and young people, had not diminished. The sufferings of the Iraqi people would end only when a just and pluralistic system of government, tolerant of all forms of social, cultural, religious and political expression, was established in Iraq.

7. The Iraqi people was still waiting for the international community to help it out of its difficulties. There were few nations on earth where the right of people to live in peace was violated in so systematic, planned and organized a fashion. Acts of unbelievable cruelty, such as the genocidal "Operation Anfal", which had set out to exterminate the Kurdish population in northern Iraq, and in which more than 4,000 settlements had been destroyed and hundreds of thousands of Iraqi citizens had disappeared, were euphemistically described as "expulsions" or "purifications". Hundreds of Kurds continued to be killed and mutilated by mines sown by Iraq during the conflict. Amnesty International confirmed that persecution and physical and mental torture of Arabs in the south continued, and that children were now incited to inform on their families. Citizens were in constant danger of arrest and detention in one of the many military camps. Many of the detainees were children, old people or pregnant women. Not content with causing the worst ecological disaster in history during the Gulf War, Iraq had now deliberately polluted the marshes in the south of the country, an action described by the Commission's Special Rapporteur as the environmental crime of the century. As a result of those deliberate policies of extermination, more than one million Iraqi citizens had required medical or food aid; and the world had witnessed with horror the bombing of relief conveys by the Government.

8. His organization requested the Commission, first, to secure full implementation of Security Council resolution 688 (1991) and the establishment of the necessary mechanisms to ensure effective protection of human rights; secondly, to ensure the immediate introduction of mechanisms to monitor the human rights situation in Iraq, as recommended by the Special Rapporteur; thirdly, to agree to the setting up of an international court of justice to try members of the Iraqi Government guilty of crimes against humanity; and

fourthly, to work to achieve a free, just and humane regime in Iraq. A regime based on the cult of personality, persecution and hatred constituted a threat to the peace, not only of the Iraqi people, but of the entire world.

9. Mr. WIPFLER (Anglican Consultative Council) said that since the invasion of East Timor by Indonesia on 7 December 1975, the world had observed in virtual silence the barbaric genocide of that tiny nation. In 17 years the Indonesian military had annihilated one third of the population of East Timor - a death rate more than twice that of the Cambodian terror under Pol Pot. No fewer than 10 General Assembly and Security Council resolutions had called upon Indonesia to withdraw its troops and had affirmed the right of the East Timorese people to self-determination; yet the Governments that had been willing to engage in massive military intervention to secure compliance by Iraq with United Nations resolutions had done very little to secure compliance by Indonesia with resolutions concerning East Timor.

10. At the Commission's forty-eighth session, the sponsors of a resolution drafted in response to the Dili massacre of 12 November 1991 had withdrawn the draft text after receiving assurances from the Government of Indonesia that it would investigate the massacre, punish the perpetrators, ensure that civilians received a fair trial and that those not involved in violent activities were released without delay, and facilitate access to East Timor for humanitarian and human rights organizations. Those obligations had been set forth in a consensus statement by the Chairman.

11. Evidence gathered since that session strongly suggested that the number who had died or disappeared in the massacre might be three times greater than had previously been supposed. Official expressions of regret had been contradicted in a published statement by Major-General Mantiri, military commander of the region including East Timor, claiming that the massacre had been fully justified. The promised investigation had been a travesty of justice, with a small number of senior officers transferred and 10 junior officers sentenced to between 8 and 18 months' imprisonment for exceeding authority or disobeying orders. As for the other undertakings given by the Indonesian Government, the whereabouts of the disappeared had never been ascertained, and access for humanitarian and human rights organizations had become even more restricted over the past year.

12. More recently, following the capture and detention of José Alexandré Gusmão, known as Xanana, leader of the East Timorese opposition, on 20 November 1992, a new wave of repression and torture, of unprecedented ferocity, had been unleashed. Church sources in East Timor claimed that the true situation was far worse even than suggested by the reports released by Amnesty International since Xanana's capture. Interviewed by Portugal's Radio Renascença on 11 February 1993, the Bishop of Dili had confirmed that persecution and torture had intensified, and that victims had been compelled to give false evidence implicating Catholic bishops and priests in resistance to Indonesia.

13. In view of Indonesia's failure to fulfil the undertakings it had previously entered into, last-minute compromises could no longer be acceptable. At its present session, the Commission must give serious consideration to its response to that travesty of justice and human rights,

calling on Indonesia to comply with United Nations resolutions, demanding full respect by Indonesia for the rights of the East Timorese people, and demonstrating its support for their right to self-determination.

14. Mrs. INAYATULLAH (World Muslim Congress) called upon the democratic forces of the world to end the genocide and human rights violations in Indian-occupied Kashmir, where the Indian Government had promulgated at least five draconian ordinances and deployed seven different security forces. Just 24 hours previously, non-democratic presidential rule had been extended in Kashmir for the fourth year running, totally belying the claims made that same day regarding the existence of democracy in India.

15. Since January 1990, Kashmir had been under siege by the army and federal paramilitary forces. The toll over the three ensuing years, as estimated by various organizations for the defence of human rights, included 37,000 killed, 20,000 wounded, almost 3,700 rape victims, 36,000 disabled for life, and more than 21,000 detained in interrogation centres or jails. Those atrocities had resulted in the further alienation of the Kashmiri people, and in an intensification of their desire for freedom.

16. The Kashmir Valley was out of bounds to foreign journalists; but reports continued to reach the outside world of every form of abuse of women, from gang-rape to unnatural sexual acts. Her organization had thus been surprised to hear the Indian representative claim at the 49th meeting that alleged incidents of rape in Kashmir had been investigated and found to be baseless. The documented evidence of rape cases could not be denied by quoting an Indian Press Council report which had been severely criticized in India itself for relying exclusively on evidence submitted by the various security forces that were accused of the abuses. Of all the atrocities committed by the security forces, it was the treatment of Kashmiri women that had most embittered the people of the Valley, as was borne out by reports of Amnesty International, the Committee for Initiative on Kashmir, the Coordination Committee on Kashmir, the New Delhi-based South Asia Human Rights Documentation Centre, and also by the report of the Commission's Working Group on Enforced or Involuntary Disappearances.

17. When alienation had become so total and irreversible, why did freedom remain so elusive for Kashmiris? Was it because of their remoteness, because Kashmir was not of strategic interest to the major Powers, or because of the success of India's campaign of disinformation? The silence must now be broken, and the international community must act to halt the barbaric acts committed in Indian-occupied Kashmir. The Kashmir question was not a territorial dispute between India and Pakistan; nor was it a question of frontiers. It was a question of the fundamental right to self-determination. Kashmir belonged to the Kashmiris, 7 million of whom were united in their struggle for freedom from Indian occupation.

18. Her organization called upon the Commission to take a number of measures. First, it must send a fact-finding mission to visit both occupied and free Kashmir, to conduct an independent inquiry, and to report back to the Commission at its next session. Secondly, it must call for an immediate halt to human rights violations in Indian-held Kashmir and, through the Security Council, work for the appointment of a United Nations observer group

in Indian-held Kashmir to protect Kashmiris, particularly women and children, from Indian occupation forces. Thirdly, it must call upon India to allow the international media and human rights groups immediate access to Kashmir. Fourthly, it must call upon the International Committee of the Red Cross to restore medical facilities, including emergency and casualty relief services and life-saving drugs.

19. Kashmiris applauded the adoption by the Commission of its resolution on the rape and abuse of women in the territory of the former Yugoslavia. Similar action must now be applied to the abhorrent practice of rape and abuse of women in Indian-occupied Kashmir. Furthermore, the United Nations must be invited to take appropriate action, as provided for in the Convention on the Prevention and Punishment of the Crime of Genocide, for the suspension of emergency regulations and the halting of genocidal acts in the territory. Lastly, the Commission must support the setting up by the Security Council of a tribunal to investigate crimes against Kashmiris.

20. Mr. HAVINI (International Working Group for Indigenous Affairs) spoke of the harsh conditions in a so-called "care centre" - in fact a detention centre - on Buka Island, in which many Bougainvilleans were detained after the Papua New Guinea forces had burned their villages. Elsewhere on the island, the security forces engaged in indiscriminate killing, apparently convinced that all Bougainvilleans were members of the BRA opposition movement. In the course of the current session, his organization had heard of three Bougainvillean men who had been tortured and then summarily executed after being abducted from Arawa General Hospital in a raid by the Papua New Guinea Defence Force (PNGDF) 10 days previously. One of the men, Minister for Health in the Bougainville Interim Government and a former minister in the North Solomons Provincial Government, had last been seen tied to a rope and being dragged over a bitumen road behind a PNGDF truck. His only crime had been seeking to assist his people as a democratically elected and responsible minister.

21. He also referred to a horrifying report by an Australian human rights lawyer which contained details of killings on Bougainville and described how, in May 1992, PNG defence forces had shot three civilians and wounded two others. On another occasion, the defence force had set fire to houses where people were sleeping at Kaparo village. The report also told of how, on 18 December 1992, the PNG defence force had taken into custody four families from Reini village and described the manner in which one Bougainvillean had been tortured and killed by a foot patrol.

22. The women of Central Bougainville had appealed to the world for help. They condemned the actions of the PNG defence force and called for the International Red Cross to assist them.

23. Papua New Guinea was systematically destroying Bougainville's villages, schools, hospitals, culture and people. That destruction constituted a genocidal intent. Papua New Guinea was pursuing the modern-day practice of ethnic cleansing in its efforts to impose military rule over the Bougainville people.

24. The war on Bougainville would never end if the basic human rights of the people were not respected. The Commission must seek immediate permission from the Papua New Guinea Government for the dispatch of a fact-finding mission to Bougainville. Only that would make it possible for steps to be taken to ensure a just transition to peace with due respect for human rights in accordance with the Charter of the United Nations and the Universal Declaration of Human Rights.

25. The Secretary-General had initiated a dialogue between Papua New Guinea and the Solomon Islands. Papua New Guinea intended to demand the extradition of all Bougainvilleans from the Solomon Islands, many of whom had resided in the Solomons for more than 25 years. The dialogue would not help to ease the suffering of the Bougainville people and could only result in their increased repression.

26. He stressed, in conclusion, that the political aspects of the armed conflict remained a matter to be settled between the Government of Papua New Guinea and the people of Bougainville. The people of Bougainville were aware, however, that basic human rights were universal and that was the matter they asked the Commission to address. A situation existed on the island that had led to gross human rights violations, the dimensions and degrees of which urgently required observation and information. The act of observation in itself would assist in reducing cases of violations. Information gained from fact-finding would be useful to the Commission in advising the Government and people on possible roads to conflict resolution to the satisfaction of all.

27. Ms. SLESZYNSKA (Christian Democratic International) said that delegations should seek not to accuse any given Government but to secure the cooperation of countries where mass and flagrant violations of human rights occurred, in order to put an end to such abuses. That also required cooperation on the part of the international community with those Governments that were genuinely seeking to fulfil their obligations in respect of human rights.

28. For instance, the dramatic situation of political, economic and social disintegration in Somalia was known to be the result of many years of arbitrary, inept and corrupt Governments. Despite the great efforts made by the "Restore Hope" humanitarian operation, the international community had not succeeded in putting an end to hunger in Somalia. People continued to die and armed bands continued to commit murder and robbery. However, no one would think of accusing the forces of various countries operating under the auspices of the United Nations of failing to bring to an end such human misery. What mattered was the existence of a genuine will to do so.

29. The same was true with regard to a number of countries where democratic regimes had been established following dictatorships in which human rights violations had been used as an instrument of power. In the majority of those countries, there had been or were armed groups which the army had confronted in a struggle characterized by its brutality and which had been responsible for the death of many innocent persons.

30. In the specific case of Latin America, mention should be made of El Salvador and Guatemala which had over the past 10 or 12 years changed from a dictatorial regime to a democratic system imperfect to be sure, but

nevertheless genuine. Their successive Governments had made variable progress in the fight against human rights violations. Both countries had held democratic elections with massive popular participation and had transmitted the power of one legitimate Government to another equally legitimate Government through free elections. Both countries had established an Office of Human Rights Procurator which was held by persons of unquestionable integrity. It was true that El Salvador had been somewhat slow in implementing various points of the Chapultepec Agreements. Political violence had diminished but continued to be the cause of horrendous crimes similar to the actions of the death squadrons. Her organization was still waiting for President Cristiani to apply the prescribed sanctions against all the military personnel responsible for crimes or human rights violations. Much more remained to be done but it was clear that the country was moving in a positive direction with regard to human rights, such progress should be recognized and encouraged.

31. With regard to Guatemala, as noted in the report of the Independent Expert (E/CN.4/1993/10) human rights violations and political violence continued at a high level despite the efforts made by the Government of President Serrano to combat abuse, prevent any recurrences and punish those responsible, including high-ranking military personnel. In the opinion of the Guatemalan branch of her organization, the Government had been making significant efforts to ensure respect for human rights in the country.

32. Her organization believed that without ceasing to denounce abuses and calling for the punishment of those responsible, the Commission should continue to make the Independent Expert's assistance available to the Government of Guatemala. It would also be desirable for special efforts to be made to move forward in the peace negotiations and to ensure that the agreements reached stipulated, as in the case of El Salvador, specific measures in precise time-frames relating to human rights and providing for international verification.

33. Mr. MILOSEVIC (World Federalist Movement), speaking on behalf of the World Serbian Community, said that his organization had on several occasions drawn the Commission's attention to the flagrant cases of violation of the human rights of the Serbian communities that lived in countries neighbouring the present-day Yugoslavia.

34. With regard to the Republic of Croatia, a report submitted to the Commission the previous year stated that the Croatian authorities were pursuing a large-scale systematic policy of ethnic cleansing against the Serbs. Since 1990, 70,000 Serbs had been forced to leave Croatia. In the port city of Rijeka alone, 25,000 Serbs had been obliged to leave their homes. The 80,000 Serbs remaining in the Republic of Croatia continued to be subjected to severe segregation. Since 1991, 97 Serbian Orthodox churches had been demolished, and high Serbian Orthodox Church dignitaries had been forced to leave their diocese. His organization called for the establishment of a commission of inquiry into the human rights situation in Croatia.

35. Turning to the former Yugoslav Republic of Macedonia, he said that the Serbs of Macedonia were demanding a change in the current Constitution and calling for cultural autonomy, already granted to the Albanian minority in

Macedonia. Several hundred Serbian refugees had fled from Macedonia to Serbia. The World Serbian Community appealed to the international community to make any future international recognition of the former Yugoslav Republic of Macedonia conditional upon strict respect for all international conventions relating to minorities and to monitor their implementation, in particular with regard to the Serbian minority.

36. The results of a symposium on the Serbian community of the Republic of Slovenia, to be held in the Republic of Serbia in the summer of 1993, would be submitted to the Commission. It could already be said that 60,000 Serbs lived in Slovenia, without minority status, and that the only Serbian-language school in Ljubljana had been closed since the breakup of the former Yugoslavia.

37. The situation of the Serbian minority in Hungary had been the subject of a conference held in September 1992 in Sremski Karlovci. The conference had called for educational facilities in the Serbian language. The Serbian community called on the Hungarian authorities to return immediately the property which had belonged to the Serbian Orthodox Church and which had been nationalized under communism.

38. There were some 32,000 Serbs in Romania. The Serbian minority had a dozen nursery schools and a Serbian-language high school. Romanian radio and television stations regularly broadcast programmes in the Serbian language. Since the 1992 elections, national minorities could participate in the country's political life. The Serbian community had its own representative in the National Parliament and eight Serbians were mayors of communities with a Serbian majority.

39. His organization could say without hesitation that the Serbs of Albania were at the present time the most persecuted minority in Europe. The Serbian population in Albania had been brutally forced by the Albanian authorities to become assimilated. The Serbian language as well as Serbian dances and songs were prohibited in public. The two remaining Serbian Churches in Skadar had been demolished and the only Serbian Church in Vraka, where there was a large Serbian community, had been turned into a shop.

40. Despite the large number of Serbs in Albania, there was no Serbian-language primary or secondary school in the country. At the same time, the Albanian minority in Serbia, in the Kosovo region, were taught in the Albanian language in primary schools and secondary education centres. In addition, there was an Albanian-language university at Pristina. According to the latest 1991 statistics, 98 per cent of the Albanian children in Kosovo had attended school, a percentage which was twice the figure for children in Albania itself.

41. In conclusion, the World Serbian Community called on the international community to ensure reciprocity of treatment with regard to the rights of minorities within the framework of strict respect for international conventions. Serbian minorities in the countries bordering on Yugoslavia should have the same rights as minorities living in Serbian territory.

42. Mr. BLAKE (Service, Justice and Peace in Latin America) said that he wished to draw attention to the systematic violations of human rights that were occurring in the following situations.

43. The Inter-American Court of Human Rights was proceeding against the Peruvian State in connection with the massacre committed in the Cayara prison in 1988. In 1992, another massacre had occurred in the Castro prison, resulting in the death of 80 prisoners although official figures mentioned 42 prisoners and 2 prison guards. During 1992, there had been 286 new denunciations of forced disappearances, 178 of which had not been resolved.

44. In a recent statement to the Commission, the Minister for Foreign Affairs of Peru had referred to his Government's desire to comply with international human rights instruments and had extended an invitation to various international bodies to visit the country. However, in 1992, during a visit to Peru by two missions of the Inter-American Commission on Human Rights, the President had refused to receive them and had said that his country would denounce the American Convention on Human Rights in order to introduce the death penalty into its internal legislation for the offence of terrorism. That possibility gave rise to serious concern, since it would constitute an event that was unprecedented in the hemisphere.

45. In Honduras, a young man accused of belonging to the Frente Farabundo Martí para la Liberacion Nacional (FMLN) had been detained illegally and then murdered. Two weeks previously, a journalist had witnessed a murder by chance, which had enabled him to establish that the murderer was a member of the death squad. However, he had had to leave the country rapidly because of a death threat. In El Salvador, the cult of violence by the armed forces had been transformed into a religious practice. A recipient of the Robert F. Kennedy human rights award had lost her son and cousin. In Panama, the Government under the protection of the United States of America which had been imposed following the invasion, kept officials of the former Government in prison for purely political reasons, committing in its turn judicial terrorism through the enactment of unconstitutional laws that violated human rights.

46. In Burma, the SLORC forces were holding the Nobel Peace Prize Laureate in detention and pursuing a policy of exterminating ethnic groups. A similar situation was to be found in the case of Nigeria and Ethiopia where arbitrary detention and physical maltreatment continued. In Bhutan, the security forces maintained a reign of terror in which torture, rape and murder were committed regularly by the government forces.

47. Mrs. PARRA (Service, Justice and Peace in Latin America), said that the Colombian army was responsible for the disappearance of her husband, a trade union leader and teacher. As soon as she had learned of his detention, she had applied for a writ of habeas corpus and reported the case to the Office of the Attorney General of the Nation. She had been threatened and persecuted in her search for her husband. Having exhausted all internal judicial remedies, she had submitted the case to the Inter-American Commission on Human Rights, which had found in February 1992 that the Colombian State was responsible for her husband's disappearance and recommended that it should investigate the

case, punish those responsible and compensate his family. At the present time, one year later, the Colombian State had still not complied with that decision. Consequently, the Inter-American Commission had decided in December 1992 to bring the Colombian State before the Inter-American Court of Human Rights.

48. Many families were waiting for their loved ones to return and she would like to know how many more years they would have to wait until the veil of impunity was lifted in Colombia. On behalf of her husband and the thousands of disappeared persons in Colombia, she turned to the international community for justice.

49. She called on the Commission to take a stand with regard to the serious human rights situation in Colombia. Contrary to what the Deputy Minister for Foreign Affairs of Colombia had said in his statement to the Commission, the Government had not fulfilled its international obligation. In conclusion, she said that it would be appropriate for the Commission to establish a group of experts to study the violations which the Latin American Governments continued to commit with impunity.

50. Ms. BRIDEL (International Association of Democratic Lawyers) said that her organization had been following the situation concerning the United Nations peace plan for Western Sahara which had been approved by the Security Council in 1991. The plan provided for the holding of a referendum on self-determination based on the most recent population census.

51. Subsequently, the King of Morocco had tried to add 120,000 persons to the electoral register. Mr. Perez de Cuellar had proposed enlarging the electorate through new criteria which would make it possible to include Moroccans and to arrive at a figure of 200,000 voters. The Frente POLISARIO had been unable to accept that proposal. In January 1993, Secretary-General Boutros-Ghali had made three proposals. The first consisted of maintaining the dialogue between the parties, the second consisted of introducing the changes proposed by Mr. Perez de Cuellar, and the third consisted of finding other solutions, in other words abandoning the 1988 peace plan.

52. The Frente POLISARIO called on the Moroccan Government to stop its delaying tactics and for the application of the peace plan. Her organization supported the urgent call for the application of the United Nations peace plan and the end of the reprisals against the Saharan people.

53. With regard to the serious violations of human rights committed in Haiti by the two de facto Governments following the military coup d'état in September 1991, she said that the tragedy of the Haitian refugees forced to flee the country was a consequence of the tragedy besetting their country at the present time. Since the coup d'état, about 40,000 Haitians had tried by every possible means to flee the country in search of a country of temporary asylum. Her organization was convinced that if the efforts currently made by the United Nations and the Organization of American States resolved the crisis, guaranteeing the exercise of fundamental rights through the restoration of democracy in Haiti, and with the return of President Aristide, Haitians would no longer have reason to flee their country.

54. It seemed that the Haitians would continue to face the risks inherent in crossing the ocean until the political crisis and the disastrous economic situation were resolved. President Clinton had reneged on his promise with regard to the systematic repatriation of Haitian refugees; an air and naval blockade seemed to be under consideration in order to prevent Haitians from leaving the island. However, President Clinton was promising to set up in Haiti centres to accommodate those who wished to leave, where each file would be studied. Her organization requested the Commission to urge the United Nations and the Office of the United Nations High Commissioner for Refugees to protect the Haitian refugees and to call for the appeal made by President Aristide in the Commission the previous year to be heeded.

55. In conclusion, her delegation supported the request made by various human rights organizations in Guatemala for the Commission to appoint a special rapporteur on the human rights situation in that country and to keep the situation in that country on its agenda.

56. Ms. DIAZ-VERSON AMOS (International Association of Educators for World Peace), speaking on behalf of the Comité de Madres Pro Amnistia de Presos Politicos "Leonor Perez", said that prisoners in Cuba were being subjected to increased repression, maltreatment and torture. Prison food was based on carbohydrates and the total lack of protein had given rise to beriberi and scurvy. Medical attention for prisoners was inadequate not only because of a lack of medicine and medical teams, but also because of the corruption of the staff who sold the medicine intended for the prisoners. Her organization had repeatedly drawn the attention of the prison authorities to the situation existing in the prisons but those authorities had always ignored its claims.

57. Referring to the threats made and aggression committed by the State security forces, she said that on 26 May 1992, while the mothers of political prisoners were trying to organize a mass for those who had died because of abuse in prison, State security agents had prevented them and the public from entering the church, thereby violating the Constitution of the Republic which recognized the freedom of religion in places of worship.

58. All Cubans were victims of the political immobility artificially created by a Constitution aimed at preserving the system rather than the rights of the citizens. That was why she was providing testimony on behalf of the Chairman of the Comité who had not been allowed to leave the country to come to the Commission. She had come to seek the support of the world for the people of Cuba who were trying to be heard and were unable to defend their rights.

59. In conclusion, she referred to the most recent case of abuse against a Cuban mother. In January 1992, during the commemoration of the birthday of José Martí, Mrs. Paula Valiente had been brutally beaten by agents of the State security for shouting "Cuba Libre".

60. Mrs. ROJAS ROSADO (International Association of Educators for World Peace) said that she was grateful to the United Nations for the opportunity to defend publicly what was denied to her in Cuba - the right to live as a family. Although she herself, with the assistance of her husband, had managed to escape from Cuba along with her children, she asked the Commission to mediate with the Cuban authorities in favour of separated families like her

own and not, through indifference, legitimize the abuses of a Government which maintained its position through terror. All family members of political emigrants, whatever their age or sex, were punished with indefinite separation from their families.

61. She was testifying on behalf of millions of Cuban children condemned to live in a kind of intellectual slavery to political ideologies and disinformation, and on behalf of families artificially divided for 34 years and the hundreds of thousands of Cubans who had been humiliated and maltreated because they had tried to emigrate. She was speaking on behalf of the Cuban peasants whose economic activity was illegal if it benefited their families and who were obliged to work solely for the State, which meant that Cuba, which was an agricultural country, lacked basic food products. It was not the United States nor the collapse of the Soviet bloc which were to blame for Cuba's hunger but the Government of Cuba which feared that if people were economically independent of the pittances it doled out to them they would be politically uncontrollable.

62. She wondered how the Government of Cuba could be considered legitimate and what support it could be considered to receive from its people when it kept the families of its officials, artists, workers, athletes, intellectuals, scientists, diplomats and everyone who travelled abroad hostage to ensure their loyalty. That was the Government which declared itself publicly to be a victim of external pressure, and regarded itself as massively supported by its people.

63. Mr. MALUZA (World Social Prospects Association) said that for more than two years, the organization in whose name he spoke had concerned itself with the violation of human rights, notably in Africa, studying the interrelated phenomena of cause and effect. It believed that a critical, forward-looking and innovatory perspective was alone capable of opening the way to an ethically-based culture and development on a global scale.

64. For almost three years, the international community had watched as the popular masses in Africa rose on a wave of democratic enthusiasm against the last fortresses of oppression and dictatorship, in most cases only to see their efforts crushed back into the mould of repression and tragedy. The martyrdom of certain countries in particular deserved special mention: Togo, where all semblance of a State based on law and reason had disappeared; Angola, where a murderous struggle for power continued unabated between parties backed and/or armed by Western interests; Somalia, where humanitarian efforts on a heroic scale had not put an end to brigandry and brutal political rivalry between parties again armed indiscriminately from abroad; Sudan, where religious fundamentalism and ethnic cleansing went hand in hand, driving entire populations into the empty desert and singling out young students - perceived as a latent political threat - for torture and execution; and Guinea-Conakry, one of whose distinguished sons, the first Secretary-General of the Organization of African Unity, had died under torture in a climate of general indifference and where thousands of more humble citizens had simply disappeared without trial or trace.

65. Such a litany could not but underline the imperative nature of the struggle to establish an authentic rule of law, and the need to dig deep in

seeking the causes of all the manifold violations of human rights in Africa. It had, however, been abundantly clear for some time past that the imperialist Western Powers must bear much of the responsibility for a situation - repeated many times over in different countries - where there were more guns than sacks of rice or manioc, and more praetorian guardhouses to protect individual dictators or their clans (who should be called to account before the world for their crimes against humanity), than there were primary health care centres, schools or universities.

66. Drastic action was indeed called for to stave off increasing anarchy and chaos in Africa. More particularly, an entirely new form of cooperation was called for - one in which the interests of peoples, as the well-spring of the future and prime source of continuity, would be set above those of merely transient ruling classes.

67. Mr. LITTMAN (International Fellowship of Reconciliation) read out a statement on behalf of the National Council of the Union of Burma, on the deteriorating human rights situation in that country, particularly in the areas occupied by ethnic minorities. The consolidation of its power had encouraged the military to make a few minor changes and to move towards imposing a constitution designed to "legitimize" indefinite military control and win international acceptance. The international community, however, remained critical of the human rights situation and sceptical of the authenticity of the changes.

68. Recalling the principal causes of concern, namely arbitrary arrests and detentions, draconian penalties and harsh conditions of imprisonment, a lack of freedom of expression that had persisted for some 30 years and the deliberate suppression of minority languages, mass exoduses and ethnic cleansing, the National Council of the Union of Burma called on the Commission to take a number of measures.

69. First, it should strengthen and expand the mandate of its Special Rapporteur by recommending that an international human rights monitoring team, in conjunction with that mandate, should be accorded access to the border areas; and by inviting the Commission's thematic rapporteurs to accompany the Special Rapporteur on his/her next visit to Burma.

70. Secondly, the Commission should voice its grave concern at the calling of a National Convention designed to "legitimize" the indefinite continuation of military rule; and make an appeal for the lifting of martial law and for the unconditional release of all political prisoners, including Nobel Peace Laureate Daw Aung San Suu Kyi and the other leaders of the NLD, with whom the military should negotiate a credible timetable for a transfer of power to the representatives elected in 1990. It should also urge negotiations for a political solution to the civil war, with United Nations and/or regional mediation; and declare that economic sanctions and an arms embargo might accelerate the attainment of that goal.

71. Lastly, the Commission should decide to include a separate agenda item entitled "Question of human rights in Myanmar" on the agenda of its fiftieth session, and invite the Secretary-General to assist in implementing

the provisions of its resolution, requesting him to transmit it to the Security Council.

72. The International Fellowship of Reconciliation, which had raised the case of Salman Rushdie on 18 and 23 February 1993, wished to refer to it once again because it understood that the draft resolutions on that crucial case had been watered down and that the Commission was now prepared to remove the explicit mention of Salman Rushdie from the two resolutions. He noted that the Deputy to the Iranian President had quoted from the Book of Genesis when referring to cultural relativism, or what he had diplomatically termed "a true universality of human rights", while at the same time implicity justifying the fatwa against Rushdie because he had insulted the sanctities of religions in the eighteenth century. Montesqieu had offered an axiom which was entirely apposite today with regard to the Iranian position on Salman Rushdie: "Evil came from the idea that one should avenge the divinity; but one must rather honour the divinity and never seek vengeance in God's name." The Commission might also wish to meditate the words of Ernest Renan; "If, by chance, under the pretext of religion, common law offences are committed, laws exist to punish them ... The State, neutral in religious matters, should never be used in the role of persecutor."

73. The death penalty for heresy or apostasy pronounced against anyone by the representative of a State Member of the United Nations - and even more so against the citizen of another country - should be considered a serious crime under international humanitarian law and the International Bill of Rights, which had been ratified by the Islamic Republic of Iran in 1975. A strong condemnation of the fatwa by the Commission had become an urgent necessity. Not to act explicitly and decisively, after four years of silence, would be considered, worldwide, as a sign of reluctance and fear, and an encouragement to other subsequent transgressors and aggressors.

74. Finally, IFOR's suggestion on 2 February 1993 that negotiations should begin between Israel and the designated High Contracting Parties with a view to the Gaza Strip being placed under a 10-year United Nations mandate had not elicited a favourable response. It was, however, some consolation to learn from the International Herald Tribune of 3 March 1993 that the Israeli Ministers of Health and the Interior had made declarations to the effect that Israel should leave the Gaza Strip. A United Nations mandate was the answer and negotiations should begin soon towards that goal.

75. Ms. La ROSE (Inter-Parliamentary Union) said that the Union, in which 118 national parliaments were currently represented, was very active in the field of human rights, as witnessed, for example, by the resolution on the subject of minorities adopted by the 87th Inter-Parliamentary Conference, and circulated to the Commission as document E/CN.4/1993/NGO/21. The Union itself organized meetings of various kinds on the subject of human rights; a symposium entitled "Parliament: defender of human rights" would be held in May 1993 in Budapest as a contribution to the World Conference on Human Rights.

76. A Special Committee to deal with alleged violations of the rights of parliamentarians had been set up by the Council of the Inter-Parliamentary Union, which had taken a public stand on a number of cases involving

Indonesia, Bulgaria, Togo, Haiti, Myanmar and Turkey, which she described in some detail. Furthermore, the Special Committee had, for some years past, concerned itself with the unelucidated assassination of parliamentarians in Colombia and Honduras.

77. It went without saying that if the Union was particularly concerned to defend the rights of parliamentarians, that was because of its firm belief that respect for those rights was essential in order that the persons concerned might themselves be able to promote and defend the rights of their constituents.

78. Mr. VITTORI (Pax Christi International) spoke of the appalling case, in East Timor, where not the broken body, but the broken personality of the resistance leader, José Alexandre Gusmao, had been displayed on television. That was a singularly barbarous example - reminiscent of the worst excesses of Stalinism - of the inadmissible behaviour of the Indonesian authorities towards a people whose right to self-determination had been acknowledged by the United Nations.

79. Pax Christi denounced the double standards practised by the Security Council, indulgent towards Indonesia yet severe towards Iraq where - notwithstanding the crime and all the reasons for the punishment - it was innocent people, already victims of the dictator, who suffered additionally in their health, their lives and their future prospects as a result of the embargo imposed on that country.

80. Pax Christi had submitted written communications to the Commission concerning the plight of the Kurds, and the status of human rights in Haiti, Iran and Cuba, noting, inter alia, that the continuation of the embargo imposed on the latter country by the United States offered the authorities an easy excuse for the catastrophic economic and social situation. The speaker further highlighted Pax Christi's concern with regard to the dictatorship in Burma, calling for the release of Daw Aung San Suu Kyi and the convening of the duly elected National Assembly.

81. The visit of His Holiness the Pope to Sudan had been an occasion to underline the Church's distress, which it shared with bodies such as Amnesty International, at the situation there, rendered far worse by the inadmissible pressures, amounting to blackmail, of religious fundamentalism.

82. The cruel fate of Muslims - and especially of Muslim women - in the former Yugoslavia required no emphasis. Elsewhere in the world - in Pakistan, in Israel and in Greece, for example - the compulsory inscription of a person's religion on his or her identity papers was giving rise to alarm. Citing a death sentence pronounced in a court in Pakistan on grounds of insult to religion, and the fatwa hanging over Salman Rushdie, he asked whether the raising of the sword of Islam was really necessary for a merciful and beneficent God to manifest His will. Pax Christi called urgently for a dialogue between faiths, with respect for human rights as its objective.

83. For almost half a century, Sri Lanka had suffered from internal conflict; all the parties involved must share responsibility for the terrible suffering inflicted there; the flicker of hope for a negotiated settlement observed by a

mission of bishops to the Tamil Tigers must not be allowed to die; and the United Nations had a role to play in mediation. But if there was some small hope, too, for the restoration of democracy in Haiti, the sky remained dark over the Western Sahara, as a result of Moroccan intransigence.

84. The singularly complaisant attitude of the Western democracies towards the authoritarian regimes in countries such as Rwanda, Madagascar, Togo and Zaire could, of course, be in great measure explained by the preference of the industrialized countries to do business and advance their strategic interests with well-installed third-world dictatorships rather than with democratically elected Governments that could be dismissed by popular vote. If that preference could be queried, and might indeed prove to be a tragic error, there were also grounds for questioning the wisdom of the five permanent members of the Security Council, who shared not only the noble charge of defending human rights and promoting peace, but also the dubious distinction of being, as Nobel Peace Laureate Oscar Arias Sanchez had pointed out, the world's major suppliers of arms.

85. Monsignor MAX GASSIS (Pax Romana) said that, in June 1989, an Islamic Fundamentalist military group had seized power in Sudan. Since Sudan had gained independence in 1956, it had had three different military dictatorships, each interrupting a weak and ineffectual democratic process. As a developing country, Sudan had not had a strong tradition of human rights observance; the repeated interruption of the political process by military dictatorship had exacerbated the situation and the long civil war in which the non-Arab and non-Muslim populations were pitted against the Muslim-Arab population of the north had made the observance of human rights something of an unaffordable luxury to those who exercised political authority. Long-standing ethnic and religious conflicts had made human rights abuses a tool in their hands.

86. Christian leaders in the Sudan had found themselves in direct conflict with those in State authority. The Church as an institution had been the victim of human rights abuses as early as 1962 when all Christian missionaries were expelled from the country under an act which had remained on the statute book and continued to constitute the main weapon used by the State to curb the activities of the Christian churches, even under an elected Government. Since 1989, the human rights situation for the people of Sudan for the Christian churches had markedly deteriorated and mass arrests, torture and extrajudicial executions had become the order of the day. Ordinary people had been executed in 1989-90 because they were in possession of foreign currency, 28 army officers had been executed on suspicion of an attempted coup and scores of political prisoners had died in detention while the regime's prisons were still full of prisoners of conscience.

87. In Southern Sudan, food was being used as a weapon against the civilian population and tens of thousands of citizens had died as a result of the Government withholding food from them, including relief food provided by the international community. The killing of civilians by Government soldiers was commonplace in the war zones. Millions of people from Southern Sudan had been displaced to Northern Sudan as international refugees and hundreds of thousands of others had fled into neighbouring countries; his own diocese was

one of the main concentration centres for displaced people and the Government routinely hampered its efforts to assist them.

88. Recently the towns of Juba and Malakal had witnessed untold atrocities by government forces following attacks on the latter by the dissident Sudan People's Liberation Army. In Juba, the inhabitants were used as human shields by the Government forces and denied food, water and shelter; the Government had executed three employees of international aid organizations working in the town. In Southern Sudan and elsewhere the regime, in addition to genocide was also currently involved in the ethnic cleansing of the non-Arab and largely non-Muslim ethnic African communities of the Nuba Mountains; it also condoned the practice of slavery and thousands of Nuba children had been sold into slavery with the full knowledge and connivance of the regime.

89. The Christian Churches all over the country had suffered the worst persecution in their history. The Church was constantly accused of siding with the Sudan People's Liberation Army because of its defence of human rights; in fact it sided only with the Sudanese people and with the truth. Sudanese priests, nuns and catechists were constantly arrested and imprisoned and expatriate missionaries were expelled while the Christian lay leaders' fate was even more tragic. There were detailed lists and reports of what was happening to the Church and Christians in Sudan.

90. It was difficult to believe that the persecution was not a well-defined policy of discrimination on the part of the Government. It took the form of the harassment of Church leaders and personnel, the arbitrary arrests and detention of innocent people, the attacks on Christians through the press and media, difficulties in obtaining permission to build churches, the Government move to confiscate schools for displaced children, the hindering of Church assistance to starving and sick displaced people, the obstacles faced by Church personnel in assisting their communities, the expulsion of Church personnel and the forceful Islamization of Christians and Africans of traditional belief in schools and food distribution centres for the displaced.

91. The abuse of human rights in Sudan was so complete that the situation could be described as one in which there was no law and order under the most draconian and arbitrary regime the country had ever known. Pax Romana endorsed the draft resolution requesting the appointment of a special rapporteur for human rights in the Sudan. Christian leaders were ready to play a role in ending a fratricidal war and the process of peace through a dialogue based on justice.

92. Mr. KHOURI (Union of Arab Jurists), speaking on behalf of 27 non-governmental organizations, recalled that the embargo imposed on the people of Iraq two and a half years earlier was still being enforced despite the fact that the situation which had led the Security Council to introduce it had come to an end. The non-governmental organizations in question had alerted the Sub-Commission on Prevention of Discrimination and Protection of Minorities in August 1992 to the serious human rights violations resulting from the embargo. The situation had considerably worsened since then, and, recalling Sub-Commission decision in 1992/106, they therefore called on the Commission on Human Rights at its forty-ninth session to assume its responsibilities in that regard.

93. All reports and humanitarian missions stressed the fact that because of the embargo, infant mortality had increased by 400 per cent in two years. Most of the surviving children and other categories of the population suffered the physical and mental sequelae of the lack of medicine, food and basic commodities. Epidemics had appeared in several regions in Iraq because of the mass destruction of the infrastructure and the lack of equipment to purify water and prevent epidemics. The products needed for the purpose had been abusively interpreted as coming under the embargo decreed by the Security Council resolutions, for example, medicines containing particular chemical substance, detergents, insecticides, educational articles, spectacles and substances necessary for conserving archaeological sites in the process of destruction.

94. The special correspondent of Le Monde, writing on 4 February 1993, had said that the rationing system set up by the Government provided the people with approximately 60 per cent of their food requirements. Malnutrition was increasing and rickets and marasmus, which had completely disappeared, were reappearing. Corruption and crime were flourishing. More seriously still, Iraq received only 10 per cent of the medicines it had imported before the war, hospitals were working at half their capacity, and only emergency cases were taken.

95. The embargo also affected employees in the public and private sectors; the lack of tools and raw materials led to both unemployment and inflation, the latter reaching more than 2,000 per cent annually. The fact that Iraq was deprived of its means of production and development of its natural resources exposed its population to inhuman living conditions.

96. The destruction of the infrastructure in Iraq was a violation of the Charter of the United Nations and had gone far beyond the requirements of the Security Council resolutions. Further, most members of the Security Council recognized that Iraq had been implementing the majority of the clauses of the resolutions since the cease-fire.

97. The non-governmental organizations on whose behalf he was speaking therefore requested the Commission to take into consideration the serious human rights violations resulting from the embargo in Iraq vis-à-vis the civilian population and to take an appropriate decision in that respect.

98. Mr. PRADHAN (Asian Cultural Forum on Development) said that he had been compelled to leave his own country, Bhutan, in 1990 when he had opposed the Government's policies of racial discrimination against the Nepali speaking ethnic community in the southern part of the country; he had particularly opposed the Government's imposition of Drukpa dress, language and culture on the non-Drukpa population and the ban on the teaching of the Nepali language in schools. He had participated in peaceful protests in September 1990 demanding the abolition of the discriminatory citizenship law and calling for democracy, which had been violently suppressed by the military and police. After harassment and intimidation by the security forces his entire family had been forced to leave Bhutan early in 1991 and had taken refuge in Nepal. He had then been declared an illegal immigrant by his government.

99. The struggle of people of Bhutan was a completely peaceful movement with limited objectives encompassing the protection of the human rights of all the people of Bhutan, the rule of law and a multi-party democracy under a constitutional monarchy. The Government of Bhutan had declared more than one sixth of its total population to be illegal immigrants despite the 370-year history of settlement of southern Bhutanese of Nepali ethnicity. Over the past few years the number of refugees had increased rapidly from a few hundred in 1991 to over 100,000 in January 1993; the people of Bhutan were not emigrating voluntarily as claimed by the Government but as victims of forced eviction and ethnic cleansing. Of those refugees, more than 1,500 had already died from hunger and disease.

100. He had worked among victims of torture and other forms of cruel treatment. Many were not able to live a normal life and suffered from psychological disorders. He had also worked among rape victims who were suffering from fear-psychosis and also with refugee children who had been deprived of their right to education and adequate health facilities.

101. His organization felt that the world was turning a blind eye to Bhutan and that the problem of ethnic cleansing and gross human rights violations in that country needed urgent attention and prompt action by the international community. He urged the Commission to investigate the plight of the victims of ethnic cleansing and other human rights violations in Bhutan, to appeal to the Government of Bhutan to stop its policies of racial discrimination and ethnic cleansing, and to invite all the parties concerned to negotiate for the safe repatriation of all Bhutanese refugees with security, honour and dignity.

102. Mr. RETUREAU (World Federation of Trade Unions) said that Sudan was living under a state of emergency and experiencing repression and intimidation following the assumption of power by the Islamic National Front. The trade union organizations had been dissolved since 1989 and the Government had promulgated so-called labour laws which allowed it to interfere openly in their creation and running. Workers could not choose the trade union they wished to join and pluralism was forbidden. Alleged opponents were summoned by the secret police or the Ministry of Defence and subjected to harassment. The Government of Sudan was endeavouring to create a climate of intimidation and fear to prevent any normal trade union activity.

103. With regard to Guatemala, for many years the Federation had reported to the Commission about the abductions, enforced disappearances, torture and violent deaths of trade union members and peasants; the Government had made no serious attempt to prevent those massive and continuing human rights violations or to seek out and punish those responsible for them. Acts of intimidation and repression continued against the trade union movement amid a general climate of violence. Many trade union leaders received death threats which were often carried out and the right to organize trade unions came up against administrative obstacles. The Federation therefore asked that a special rapporteur should be appointed and that the overall situation should be considered under item 12 of the Commission's agenda.

104. In Colombia, every year there were hundreds of cases of kidnapping, disappearances and murder, after horrifying torture, of community leaders and trade union members. Paramilitary groups and death squads enjoyed virtual

impunity. Such a generalized climate of impunity could only encourage crime and create a climate of violence and insecurity which had adverse effects on trade union activity and democratic life in Colombia. The Government, for its part, claimed that the problem in question were related to the guerrilla movement and drug traffic, with which the trade union movement had in fact no dealings.

105. In the Philippines, cases concerning the assassination of trade unionists were often filed while the perpetrators of the crimes went unmolested and thus encouraged to continue with their policies of terror and intimidation against trade union activists. When questioned, the Government regularly asserted that the police were conducting investigations or proceedings had been instituted, but no results were ever forthcoming.

106. His organization was convinced that the near-certainty of impunity only encouraged criminal, paramilitary or para-police organizations to multiply the acts of intimidation, disappearance and assassination; Governments which failed to punish wrongdoers or did so half-heartedly were passive accomplices of the assassins.

107. In conclusion, he wished to assert the right of the people of Cyprus to independence and national unity; the solution to the problem of Cyprus lay in dialogue and political agreement between the two Cypriot communities and it required the cessation of the military occupation and attempted colonization of the north of the country occupied by Turkey.

The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.53/Add.1